

BEFORE  
THE PUBLIC SERVICE COMMISSION OF  
SOUTH CAROLINA  
DOCKET NO. 2004-311-C - ORDER NO. 2005-77  
FEBRUARY 28, 2005

IN RE:	Application of Time Warner Telecom of	)	ORDER APPROVING
	South Carolina, LLC to Amend its Certificate	)	AMENDMENT TO
	of Public Convenience and Necessity to	)	CERTIFICATE
	Expand its Scope of Authority to Provide	)	
	Local Exchange Telecommunications	)	
	Services.	)	

**I. INTRODUCTION**

This matter comes before the Public Service Commission of South Carolina (the Commission) on the Application of Time Warner Telecom of South Carolina, L.L.C. (Time Warner or the Company) to expand its scope of authority. Time Warner submits its Application to amend its Certificate of Public Convenience and Necessity under Order No. 2001-93 to authorize Time Warner to serve customers throughout the State of South Carolina. The Company is currently authorized to offer local telecommunications services to customers in the service area of BellSouth Telecommunications, Inc. (BellSouth), and interexchange telecommunications services to customers throughout the State.

Under Order No. 2001-93, Time Warner was authorized to operate under flexible regulation for its local exchange services and would like to operate under the same scheme in the service areas described in the Application.

In the expanded service area, the Company plans to provide the same services provided in its current service area, including, but not limited to facilities-based local exchange services, broadband data and voice services, and resold interexchange services, to business customers. Similarly, the Company states that it will provide to the expanded service area access to intraLATA and interLATA message toll calling, operator services, directory assistance, directory listings, and emergency services such as 911 and E911 through its own operations or by purchasing those services from incumbent local exchange carriers (ILECs), certified competitive local exchange carriers (CLECs) and/or other companies specializing in providing these services on a competitive basis.

The Company notes that the general information filed in the Company's original Application remains materially unchanged since it was originally filed in 2000. Time Warner notes that in Order No. 2001-93, the Commission concluded that Time Warner Telecom is financially qualified, and that that Company possesses the managerial and technical resources to provide telecommunications services. Time Warner seeks the same waivers as it was granted in Order No. 2001-93.

Pursuant to the instructions of the Commission's Docketing Department, the Company published notice of its filing of the Application in area newspapers. No Protests were received. The South Carolina Telephone Coalition (SCTC) intervened in this matter. However, the Company and SCTC agreed to amend the original stipulation filed in Docket No. 2000-505-C and incorporated into Order No. 2001-93. As the result of the amended Stipulation, SCTC does not oppose the Application. The Office of Regulatory

Staff (ORS) does not oppose the expansion of the Company's service area. No other Petitions to Intervene were filed.

Accordingly, Time Warner filed a Motion for Expedited Review of its Application, along with the verified testimony of Carolyn Marek, Vice President of Regulatory Affairs for Time Warner Telecom. We grant expedited review of the Application. We also grant the relief sought in the Application, based upon the verified testimony of Ms. Marek.

Ms. Marek is responsible for legislative and regulatory affairs for Time Warner's telecommunications operations in the Southeastern United States. Ms. Marek presented evidence on the financial, technical and managerial abilities of Time Warner Telecom-SC to provide local telecommunications services in South Carolina. She also describes the services that the Company proposes to offer and discusses the proposed expansion of the Company's service area throughout the State.

The witness testified that the officers of the Company have extensive managerial and technical experience in the telecommunications industry. Time Warner Telecom relies on the same individuals identified in its initial certification application with the exception of two employees. Ms Marek also noted that the parent company of Time Warner Telecom-SC, which is Time Warner Telecom, Inc., maintains a relationship which provides the funding, financing, and the capital necessary to provide services to customers in the expanded service area.

Time Warner Telecom-SC seeks authority to provide the same facilities-based local exchange services, including, but not limited to, broadband data and voice services

to business customers throughout the State of South Carolina. Time Warner Telecom-SC intends to begin offering local exchange services in the ALLTEL South Carolina, Inc. service area and in the future may provide service in the Verizon and Sprint service areas. When the service areas of the remaining rural incumbent local exchange carriers become open to competition or as interconnection agreements are negotiated, the Company would then expand its service offerings to include those areas at that time, according to Ms. Marek.

Ms. Marek further testified that Time Warner agreed to amend its original Stipulation with SCTC by deleting ALLTEL from the list of participating companies in the amended Stipulation. Ms. Marek states that the Company is aware of the concerns of SCTC and has agreed to give the remaining rural ILECs and the Commission thirty days written notice of the Company's intent to provide local service to a customer located in a rural ILEC's service area.

With regard to the facilities to be used to provide the service, Ms. Marek states that the Company will predominantly use its own facilities to provide the local exchange services proposed, supplementing its network with network components purchased from the incumbent carrier or another competing carrier where necessary. For interexchange services, Time Warner presently uses AT&T, MCI and Broadwing as its underlying carriers, depending on the type of traffic, the geographic nature of the call, and the applicable pricing plans of the carriers.

Ms. Marek notes that the Company has finalized the negotiations with ALLTEL South Carolina, Inc. Time Warner Telecom-SC has already negotiated interconnection

agreements with Sprint and GTE/Verizon in other states in which it operates including North Carolina and Florida, and will expand those interconnection agreements to South Carolina as the business plan warrants.

The witness testified that the issuance of an amended certificate to the Company would be in the public interest, in that competition will be further increased in South Carolina.

## **II. FINDINGS OF FACT AND CONCLUSIONS OF LAW**

1. Time Warner has submitted an Application to amend its Certificate of Public Convenience and Necessity to serve customers throughout the State of South Carolina.

2. The Company is currently authorized to offer local telecommunications services to customers in the service area of BellSouth and interexchange telecommunications services to customers throughout the State.

3. For its local services, the Company would like to continue to operate under flexible regulation.

4. Expedited review is appropriate for this Application.

5. Time Warner seeks authority to provide the same facilities-based local exchange services, including, but not limited to, broadband data and voice services to business customers throughout the State of South Carolina.

6. The Company agreed to amend its original Stipulation with SCTC by deleting ALLTEL from the list of participating companies in the amended Stipulation.

7. The Company has finalized the negotiations with ALLTEL South Carolina, Inc for an interconnection agreement.
8. The Company has the financial, managerial, and technical resources to provide the expanded local service to other areas of South Carolina.
9. The Company continues to meet all statutory requirements for provision of service as a CLEC as delineated in S.C. Code Ann. Section 58-9-280 (Supp. 2004). Accordingly, the Company meets the statutory requirements for provision of the proposed expanded service.
10. The Application for an amended Certificate should be granted as filed.

### **III. ORDER**

Expedited review is granted. The Application of Time Warner for an amendment to its Certificate is hereby approved as filed, based on the evidence as outlined above. All reporting requirements and other directives found in Order No. 2001-93 shall remain in

full force and effect, unless exceptions are noted above, including, but not limited to those allowing various waivers. The Company shall, in addition, file copies of all reports outlined in Order No. 2001-93 with the Office of Regulatory Staff, in addition to filing them with the Commission. The Company may continue to utilize the principles and procedures established for flexible regulation. This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:

/s/  
Randy Mitchell, Chairman

ATTEST:

/s/  
G. O'Neal Hamilton, Vice-Chairman

(SEAL)